HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 8080 of 2007

DATED: 19-04-2007

Between:

Smt Mukka Aruna

…Petitioner

and

The District Collector,
Krishna District at Machilipatnam and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM
W.P.No. 8080 of 2007

ORAL ORDER:

The writ petition is misconceived.

In substance, the petitioner wants a stay regarding the functioning of the 4th respondent as the authorisee of a Fair Price Shop in respect of Shop No. 23 of V.Kothapalem Village, Koduru Mandal, Krishna District.

The 3rd respondent issued a notification on 14-6-2004 calling for applications from eligible candidates to fill up the specified unreserved vacancies. The petitioner and the 4th respondent applied along with some others. Interviews were held on 21-8-2006 whereat the petitioner, the 4th respondent and others attended. The petitioner states that though she is eligible and qualified, the 3rd respondent nevertheless and illegally granted authorization to the 4th respondent vide proceedings dated 26-8-2006. The 4th respondent's appointment is alleged to be illegal and contrary to the orders of the Government in G.O.Ms.No. 98
F, CS & CA (CS.IV) Department, dated 5-2-1996. According to the petitioner, the 4th respondent is over-aged and therefore disentitled to grant of authorization.

Aggrieved by the appointment of the 4th respondent, an appeal was preferred by the petitioner to the 2nd respondent on
11-9-2006. Having preferred the appeal, the petitioner also filed Writ Petition No. 20169 of 2006 challenging the order appointing the 4th respondent. By the judgment dated 30-11-2006 the writ petition was

disposed of directing the 2nd respondent to dispose of the appeal within the stipulated time and till then directing that the appointment in favour of the 4th respondent herein shall not be given effect to. The 2nd respondent rejected the petitioner's appeal by an order dated 26-3-2007. The appellate authority clearly held that the 4th respondent was neither over- aged nor disqualified. All the other challenges by the petitioner to the eligibility of the 4th respondent were also rejected by a detailed appellate order. Aggrieved by the appellate order, the petitioner preferred a revision to the 1st respondent on 2-4-2007 along with an application for interim relief and thereafter filed this writ petition complaining that the 1st respondent has neither considered the revision nor his application for interim relief. In substance, the petitioner seeks an order restraining the 4th respondent from functioning as a fair price shop authorisee pending the consideration of her revision by the 1st respondent.

The litigative frenzy of the petitioner is not to be entertained. The 4th respondent was appointed as the Fair Price Shop Dealer by a due order of the 3rd respondent dated 26-8-2006. The petitioner's appeal was rejected by a detailed and reasoned appellate order of the 2nd respondent dated 26-3-2007. There was an available revisional remedy and the petitioner preferred a revision to the 1st respondent on 2-4-2007. Without awaiting the revisional process, the petitioner has nevertheless approached this Court soon after preferring a revision. This court discerns no justification for grant of any relief, in the circumstances.

The writ petition is misconceived and is accordingly dismissed at the stage of admission, after hearing the learned Government Pleader for Civil Supplies also. No order as to costs.

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GODA RAGHURAM, J

19-04-2007